

TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

June 2, 2005

TO: Internal Files

THRU: Pamela Grubaugh-Littig, Permit Supervisor

FROM: Stephen J. Demczak, Sr. Reclamation Specialist/Engineering, Team Lead

RE: Additional Boundary to Facilitate 1st North Mining, Consolidation Coal Company, Emery Deep Mine, C/015/015, Task ID #2222

SUMMARY:

The permittee is requesting a minor permit modification to increase the mine's existing permit area by approximately 348 acres. The permittee has plans to develop main entries and room and pillar panels in this area. No second mining will occur in the 348 acres. The total permit area will be 5,408 acres.

The permittee will not have a place to mine underground without having an operational belt drive. This IBC gives Consol an area to mine until a belt drive can be received or rebuilt. Without the IBC modification, Consol would have to shut down one miner section.

The permit modification or IBC is private surface property (Consol, Kenneth L. and Earlene Christiansen). Consol has acquired the rights to mine all fee coal within the IBC. There will be no planned subsidence within the 348-acre permit modification.

Consol will not conduct coal mining or reclamation operations in the IBC area within 300 feet of any occupied dwelling or within 100 feet of a public road.

TECHNICAL ANALYSIS:

GENERAL CONTENTS

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

TECHNICAL MEMO

Analysis:

The 348-acre permit modification is located in Township 22 South, Range 6 East. Consol holds the ownership of all coal to be mined under this IBC. The surface is owned by Consol except for 19 acres. Kenneth L. and Earlene Christiansen own the non-Consol surface land. Consol knows of no pending litigation concerning their right to mine coal within the IBC area.

The permittee has not received permission to mine underground from the surface landowner. Consol feels that they have the legal right to mine the coal.

Consolidation Coal Company, Emery Deep Mine has submitted information to mine the 348 acres by complying with R645-301-114.200. Utah Coal Rule R645-301-114.200 relating to the general contents of a coal permit application provides that where the private mineral estate to be mined has been severed from the private surface estate, an applicant will submit one of the following: (1) a copy of the written consent of the surface owner, or (2) a copy of the conveyance that expressly grants or reserves the right to extract coal by certain coal mining and reclamation operations, or (3) documentation that the applicant has the legal authority under Utah law to extract the coal by the proposed operations. The permittee has submitted deed information giving Consol the coal rights. The information presented will comply with statement (2) or R645-301-114.230.

The reviewer has received information from other permittee stating case law for right-of-entry.

Findings:

The permittee has met the minimum requirements it is related to the right-of entry underground by obtaining coal lease agreements.

LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

Analysis:

A legal description of the incidental boundary change has been updated to the permit area description in the MRP. This is on Page 1 of this amendment. Surface and Mineral ownership, Permit Boundary, Bonding, and Affected Area Map have been updated to reflect the 348-acre permit modification.

Findings:

The information provided has met the minimum requirements of this section.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783, et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

The Permittee proposed adding 348 acres to the permit area for the Emery Deep mine. The additional acres are in Township 21 South, Range 6 East SLB&M, Section 22: NE1/4, SE1/4, Section 23: W1/2 SW1/4, Section 27: NE1/4.

This change is also shown on the following revised maps:

PLATE No: 1-1
VEGETATION MAP
PLATE XII-1

Findings:

The information provided has met the minimum requirements of this section.

VEGETATION RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.19; R645-301-320.

Analysis:

This information has not changed. There will be no impact on vegetation due to first mining only. No subsidence will occur in the IBC area.

Findings:

The information provided has met the minimum requirements of this section.

FISH AND WILDLIFE RESOURCE INFORMATION

TECHNICAL MEMO

Regulatory Reference: 30 CFR 784.21; R645-301-322.

Analysis:

This information has not changed. There will be no impact on fish and wildlife due to first mining only. No subsidence will occur in the IBC area.

Findings:

The information provided has met the minimum requirements of this section.

GEOLOGIC RESOURCE INFORMATION

Regulatory Reference: 30 CFR 784.22; R645-301-623, -301-724.

Analysis:

The 348-acre IBC is adjacent to the current Emery Mine permit area. The geologic formation for the IBC and the adjacent lands mined by Emery Mine (Fourth East Portal Area) are the same.

Findings:

The information provided has met the minimum requirements of this section.

MAPS, PLANS, AND CROSS SECTIONS OF RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.24, 783.25; R645-301-323, -301-411, -301-521, -301-622, -301-722, -301-731.

Analysis:

Affected Area Boundary Maps

There will be no affected area since first mining will only be used.

Existing Structures and Facilities Maps

There is no existing structure in the IBC.

Existing Surface Configuration Maps

TECHNICAL MEMO

The existing surface configuration is on “Vegetation Map Of The 1st North IBC Area”.

Mine Workings Maps

The mine workings map for the IBC is shown on Plate XII-1. The permittee will develop pillar sections through the IBC. No second mining will be granted with this IBC approval.

Permit Area Boundary Maps

The permittee has updated the permit area map to include the IBC. This update is on Permit Boundary (Exhibit D).

Surface and Subsurface Ownership Maps

The ownership and control information is updated on Plate I-1 “Surface and Coal Ownership”.

Surface and subsurface manmade features maps

The IBC has surface and subsurface manmade features. These features are water monitoring wells as shown on Plate VI-3. If water-monitoring wells are lost due to mining, the permittee has committed to developing new wells as near as possible to the lost wells.

Contour Maps

Contour for the IBC can be seen on Vegetation Map Of The 1st North IBC Area.

Findings:

The information provided has met the minimum requirements of this section.

OPERATION PLAN

MINING OPERATIONS AND FACILITIES

Regulatory Reference: 30 CFR 784.2, 784.11; R645-301-231, -301-526, -301-528.

Analysis:

General

The permittee will use the IBC to develop Room and Pillar panels. A continuous miner

TECHNICAL MEMO

will develop these panels. The Fourth East Portals will access the IBC from underground by using a continuous miner.

Type and Method of Mining Operations

A continuous miner will be used to mine the IBC. No second mining will occur in the IBC.

Facilities and Structures

No facilities or structures will be constructed in the IBC.

Findings:

The information provided has met the minimum requirements of this section.

EXISTING STRUCTURES:

Regulatory Reference: 30 CFR 784.12; R645-301-526.

Analysis:

No existing structures are located in the IBC.

Findings:

The information provided has met the minimum requirements of this section.

SUBSIDENCE CONTROL PLAN

Regulatory Reference: 30 CFR 784.20, 817.121, 817.122; R645-301-521, -301-525, -301-724.

Analysis:

Subsidence Control Plan

There should be no subsidence in the IBC. No second mining will occur in the IBC. The permittee has notified, in writing (certified letter), the water conservancy district, and all owners of surface property that mining will take place. Permittee must follow the requirements of R645-301-525.700.

Findings:

The information provided has met the minimum requirements of this section.

ROAD SYSTEMS AND OTHER TRANSPORTATION FACILITIES

Regulatory Reference: 30 CFR Sec. 784.24, 817.150, 817.151; R645-301-521, -301-527, -301-534, -301-732.

Analysis:

Road classification system

No roads will be used or constructed in the IBC. Only underground mining will take place in the IBC.

Findings:

The information provided has met the minimum requirements of this section.

HYDROLOGIC INFORMATION

Regulatory Reference: 30 CFR Sec. 773.17, 774.13, 784.14, 784.16, 784.29, 817.41, 817.42, 817.43, 817.45, 817.49, 817.56, 817.57; R645-300-140, -300-141, -300-142, -300-143, -300-144, -300-145, -300-146, -300-147, -300-147, -300-148, -301-512, -301-514, -301-521, -301-531, -301-532, -301-533, -301-536, -301-542, -301-720, -301-731, -301-732, -301-733, -301-742, -301-743, -301-750, -301-761, -301-764.

Analysis:

Acid and toxic-forming materials

It is anticipated that acid and toxic materials will be no different than what is and was mined at the Fourth East Portals (First and Second South Panels).

Findings:

The information provided has met the minimum requirements of this section.

RECLAMATION PLAN

GENERAL REQUIREMENTS

Regulatory Reference: PL 95-87 Sec. 515 and 516; 30 CFR Sec. 784.13, 784.14, 784.15, 784.16, 784.17, 784.18, 784.19, 784.20, 784.21, 784.22, 784.23, 784.24, 784.25, 784.26; R645-301-231, -301-233, -301-322, -301-323, -301-331, -301-333, -301-341, -301-342, -301-411, -301-412, -301-422, -301-512, -301-513, -301-521, -301-522, -301-525, -301-526,

TECHNICAL MEMO

-301-527, -301-528, -301-529, -301-531, -301-533, -301-534, -301-536, -301-537, -301-542, -301-623, -301-624, -301-625, -301-626, -301-631, -301-632, -301-731, -301-723, -301-724, -301-725, -301-726, -301-728, -301-729, -301-731, -301-732, -301-733, -301-746, -301-764, -301-830.

Analysis:

There will be no reclamation of the IBC area. All activity will be underground.

Findings:

The information provided has met the minimum requirements of this section.

BONDING AND INSURANCE REQUIREMENTS

Regulatory Reference: 30 CFR Sec. 800; R645-301-800, et seq.

Analysis:

General

There will be no surface disturbance from buildings or structures. The Division has determined that no additional bonding amount will be required. All mining activities will occur underground.

Findings:

The information provided has met the minimum requirements of this section.

CUMULATIVE HYDROLOGIC IMPACT ASSESSMENT

Regulatory Reference: 30 CFR Sec. 784.14; R645-301-730.

Analysis:

The IBC lies within the existing cumulative hydrologic impact area. This document will not need to be changed.

Findings:

The information provided has met the minimum requirements of this section.

RECOMMENDATIONS:

The permittee has met the minimum requirements. This amendment is recommended for approval.

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